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TR.CMP.No.871 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.871 of 2023
and CMP.No.20664 of 2023

S.Suganthi

... Petitioner

Vs

R.Selvanathan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of CPC praying to withdraw the M.O.P.No.368/2023 pending on the file of Family Court, Pondicherry and transfer the same to the Principal Subordinate Court, Mayiladuthurai.

For Petitioner : Ms.S.Manisha
for Mr.B.Sundarapandiyan

For Respondent : Ms.M.Sherashlin
for Mr.V.Sithannan



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ORDER

The petitioner-wife has presented this petition to withdraw the M.O.P.No.368/2023 pending on the file of Family Court, Pondicherry and to transfer it to Principal Subordinate Court at Mayiladuthurai.

2. The petitioner-wife is a permanent resident of Mayiladuthurai. The respondent-husband is a resident of Pondicherry. The petitioner and the respondent got married on 12.12.2017. From the wedlock, a female child was born on 03.05.018. Then arose matrimonial disputes between them, which resulted in filing of M.O.P.No.480/2022 on the file of Family Court, Pondicherry by the respondent-husband for divorce. Thereafter, Family Court Judge compromised the matter and they rejoined. Yet again, matrimonial differences developed among them and they got separated.

3. According to the petitioner, the respondent-husband with an intention to harass the petitioner-wife, filed yet another petition in M.O.P.No.368 of 2023 before the Family Court, Pondicherry for divorce on the ground of cruelty.



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WEB COPY 4. Heard Ms.Manisha for the revision petitioner and Ms.M.Sherashlin for the respondent.

5. The petitioner-wife is stated to be the resident of Mayiladuthurai. She alleges that the distance between Mayiladuthurai and Pondicherry is 220 kms and it takes about eight hours for travel. She pleads that she is unemployed and that she and her minor child are living at the expense of her parents, who are aged and are earning only a meager income. Hence, she finds it very difficult to attend the Court hearings at Family Court, Pondicherry and seeks transfer of the proceedings to Principal Subordinate Court, Mayiladuthurai.

6. Taking into consideration the fact that the petitioner-wife is the permanent resident of Mayiladuthurai and has a girl child of 6 years to attend, and also the difficulties expressed by her both physically and monetarily in travelling to Pondicherry to attend every hearing in M.O.P.No.368/023, I deem it necessary to transfer the proceedings now pending in Family Court, Pondicherry to a Court in Mayiladuthurai.



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WEB COPY 7. Accordingly, this petition is allowed and the proceedings in M.O.P.No.368/2023 pending on the file of Family Court, Pondicherry, is now withdrawn from its file and is transferred to the file of Principal Subordinate Court, Mayiladuthurai. No costs. Consequently, the connected miscellaneous petition is closed.

10.06.2024

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking orders

To:

- 1.The Judge
Family Court
Pondicherry.
- 2.The Principal Subordinate Judge
Mayiladuthurai.
- 3.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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